



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 5878-99

3 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board did not accept your unsubstantiated contention that you were "near homicidally insane" when discharged from the Marine Corps in 1971, or that you suffered from a mental disorder which rendered you unfit for duty and was ratable at 30% or higher at that time. The Board noted that although you received psychiatric treatment for a brief period of time in 1970 for a depressive reaction and an unstable personality, there is no indication in the available records that you were unable to perform your duties because of the former disorder. In addition, the Board found no relationship between that disorder and the acts of misconduct you committed during your final enlistment, which resulted in the assignment of an RE-4 reenlistment code. The fact that the Veterans Administration granted you service connection for dysthymic disorder on 13 March 1984 was not considered probative of the alleged severity of your condition in 1971. The Board noted that the VA granted you service connection for dysthymic disorder based on your long history of psychiatric complaints and violent and explosive behavior, which you indicated began in 1963, and had become progressively worse in the year or two before you were granted service connection in 1984.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director